APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,837	08/07/2001	Tomotoshi Sato	210263US-2	8604

22850	7590	06/06/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
LIN, KELVIN Y

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/922,837	SATO, TOMOTOSHI
	Examiner	Art Unit	
	Kelvin Lin	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 February 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-11,13-28 and 30-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3-11,13-28 and 30-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Response to Amended Claims

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1, 3-11, 13-28, and 30-40, are rejected under 35 U.S.C 103(a) as being

unpatentable over Levi (U.S. Patent 6636983) in view of Abe Y. (US PG Pub.

No. 2002/0054316).

2.   Regarding claim 1, Levi teaches a peripheral device configured to be connected

to a plurality of peripheral devices via a network, said peripheral device

comprising:

- means for managing said plurality of peripheral devices (Levi, col.

  2, l. 10-22). And

- means provided in said peripheral device for selecting one

  peripheral device out of said peripheral devices to manage said

  peripheral devices (Abe, page 8, [0151]-[0152]).

Regarding claim 1, Levi fails to teach the means provided said peripheral device

for selecting one peripheral device out of said peripheral devices to manage said

peripheral devices.

However, Abe teaches ".. the multi-function device that serves as a controller

Selects the multi-function device for use to output the data by referring to the

device information processed by the device management server , and transmits

the data to the selected device to output the data .. " (Abe, p.8, [0151]-[0152]).

This type of device information management would be advantageous for use in

the system disclosed by Levi because both are deal with the resource monitor

and management and therefore, it would be easier for one device to locate and

track another device.

Therefore, It would have been obvious to one of ordinary skill in the art at the

time the invention was made to have combined of Levi and Abe by selecting

the device for locating and tracking.

3.   Regarding claims 11, 21, 28 have similar limitations as claim 1. Therefore,

claims 11, 21,28 are rejected for the same reasons set forth

in the rejection of claim 1.

4.   Regarding claim 3, Levi further discloses the peripheral device of claim 1, further

comprising:

- a web server (Levi, col.30, l.61-65); and

- means for setting a default URL for said web server to correspond

  to a web server of said one peripheral device selected by said

  means for selecting (Levi, col. 31, l.6-15).

5.   Regarding claim 4, Levi further discloses the peripheral device of claim 3, further

comprising:

- means for enabling said means for managing when said one

   peripheral device selected by said means for selecting is said

   peripheral device (Levi, Fig. 11, col.22, l.6-18).

6.   Regarding claim 5, Levi further discloses the peripheral device of claim 3, further

comprising:

- means for disabling said means for managing when said one

   peripheral device selected by said means for selecting is not said

   peripheral device (Levi, col.23, l.45-55).

7.   Regarding claim 6, Levi further discloses the peripheral device of claim 3, further

wherein said means for managing comprises:

- means for receiving instructions from a user station connected to

   said network (Levi, col. 22, l.46-54);

- means for requesting and receiving information from said

   plurality of peripheral devices (Levi, col. 23, l.2-5);

- means for setting configurations for said plurality of peripheral

   devices (Levi, col.12, l.61-66); and

- means for sending information to said user station (Levi, col.13,

   l.23-30).

8.   Regarding claim 7, Levi further discloses the peripheral device of claim 3, further

comprising means for printing (Levi, col. 11, l.10).

9.   Regarding claim 8, Levi further discloses the peripheral device of claim 3,

wherein said means for selecting comprises means for comparing a

characteristic for each of said plurality of peripheral devices (Levi, col.31, l.26-

32).

10.   Regarding claim 9, Levi further discloses the peripheral device of claim 1, further

comprising:

- means for checking if another peripheral device is managing said

    plurality of peripheral devices (Levi, col. 4, l. 8-34).

11.   Regarding claim 10, Levi further discloses the peripheral device of claim 5,

further comprising:

- means for disabling said means for managing when said other

    peripheral device is managing said plurality of peripheral devices

    (Levi, col.23, l.45-55);

- a web server (Levi, col. 30, l.57-67)); and

- means for setting a default URL for said web server to correspond

    to a web server of said other peripheral device (Levi, col. 31, l. 4-

    22) .

12.   Regarding claims 11, 13-20 have similar limitations as claims 1, 3-10. Therefore,

claims 11, 13-20 are rejected for the same reasons set forth

in the rejection of claims 1, 3-10.

13.   Regarding claim 21 has similar limitations as combination of claims 1, and 3.

Therefore, claim 21 is rejected for the same reasons set forth in the

rejection of claims 1, and 3.

14.   Regarding claim 22, Levi further discloses the method of claim 21, further

comprising the step of: disabling managing means of peripheral devices other

than said one peripheral device (Levi, col. 23, l.45-55).

15.   Regarding claim 23, Levi further discloses the method of claim 21, wherein the

step of managing from said one peripheral device comprises the step of:

receiving instructions from a user station connected to said network (Levi, col.

22, l.46-54).

16.   Regarding claim 24, Levi further discloses the method of claim 21, wherein the

step of managing from said one peripheral device comprises the step of:

requesting and receiving information from said plurality of peripheral devices

(Levi, col. 23, l.2-5).

17.   Regarding claim 25 has similar limitations as combination of claim 6.

Therefore, claim 25 is rejected for the same reasons set forth in the

rejection of claim 6.

18.   Regarding claims 26-27 have similar limitations as claims 7-8. Therefore,

claims 26-27 are rejected for the same reasons set forth

in the rejection of claims 7-8.

19.   Regarding claim 28, Levi further discloses a computer program product,

comprising:

- a computer storage medium and a computer program code

mechanism embedded in the computer storage medium for causing

a peripheral device to manage a plurality of peripheral devices

connected to a network (Levi, col.4, l.9-24),

the computer program code mechanism comprising:

- a first computer code device configured to manage said plurality of

  peripheral devices from one peripheral device (Levi, col. 6, l.14-21).

- A second computer code device configured to select said one

  peripheral device out of said peripheral devices to manage said

  peripheral devices (Abe, page 8, [0151]-[0152]).

20.   Regarding claim 30, Levi further discloses the computer program product of

claim 28, further comprising: a second computer code device configured to check

which peripheral device is managing said plurality of peripheral devices (Levi,

Fig. 6A, col. 17, l. 37-50).

21.   Regarding claim 31, Levi further discloses the computer program product of

claim 30, further comprising: a third computer code device configured to enable

said first computer code device (Levi, col. 15, l.62-67).

22.   Regarding claim 32, Levi further discloses the computer program product of

claim 30, further comprising: a third computer code device configured to disable

said first computer code device and to set a URL of a web server to correspond

to a web server for said peripheral device managing said plurality of peripheral

devices (Levi, col. 16, l.1-37, col. 32, l8-10).

23.   Regarding claim 33, Levi further discloses the computer program product of

claim 28, wherein said first computer code device comprises: a second computer

code device configured to receive instructions from a user station connected to

said network (Levi, col. 6, l. 14-15, col.22, l.45-54).

24.   Regarding claim 34, Levi further discloses the computer program product of

claim 28, wherein said first computer code device comprises: a second computer

code device configured to request and receive information from said plurality of

peripheral devices (Levi, col. 23, l.2-5).

25.   Regarding claim 35, Levi further discloses the computer program product of

claim 28, wherein said first computer code device comprises: a second computer

code device configured to receive instructions from a user station connect to said

network; a third computer code device configured to request and receive

information from said plurality of peripheral devices; a fourth computer code

device configured to set configurations for said plurality of peripheral devices;

and a fifth computer code device configured to send information to said user

station (Levi, col. 22, l.19-42).

26.   Regarding claim 36, Levi further discloses the computer program product of

claim 29, wherein said second computer code device comprises a third

computer code device configured to compare a characteristic for each of said

plurality of peripheral devices (Levi, col. 17, l. 14-36).

27.   Regarding claim 37, peripheral device of claim 1, wherein said peripheral device

is a printer, a multi-function peripheral, a digital copier, a fax machine, a copy

machine, or a combination thereof (Abe, page 1, [0002]-[0003]).

28.   Regarding claims 38-40 have similar limitations as claim 37. Therefore,

claims 38-40 are rejected for the same reasons set forth in the rejection of claim

37.

Response to Remarks

Application's argue with respect to claims 1, 11, 21, and 28 have been considered but are moot in view of the new ground(s) of rejection. The explanation are embedded in the claims rejection.

Conclusion

Application's amendment necessitated the new ground(s) of rejection presented in this Office action, Accordingly, **THIS ACTION IS MADE FINAL.** See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first replay is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone

number for the organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

kyl
5/26 /2005

BEATRIZ PRIETO
PRIMARY EXAMINER